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**Module 10:**  
**CERCLA and Facility Disposition:**  
**Deactivation and Decommissioning**

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### **Module Objectives**

- ❑ Summarize the DOE policy on decommissioning under CERCLA
- ❑ Identify the role of the Defense Nuclear Facilities Safety Board in DOE's decommissioning program.

### **Does CERCLA Apply?**

#### **❑ Logic behind DOE Policy Decision**

- What is meaning of “environment” in a CERCLA context?**
- Conclusion: Buildings may pose threats**
- DOE is lead agency for its sites**
- DOE Order 5400.4 requires DOE to “respond to any release...in a manner consistent with the NCP regardless of listing on the NPL”**

### Policy Framework

- ❑ May 22, 1995 Policy on Decommissioning of DOE Facilities Under CERCLA
- ❑ Approach agreed on by DOE and EPA
- ❑ Decommissioning will be conducted as a non-time critical removal action
- ❑ Note that deactivation is not covered by the policy framework

### **Compliance with Other Requirements**

- ❑ Policy also provides that
  - Activities must comply with applicable requirements of existing FFAs, Site Treatment Plans, permits and orders, and other authorities
  - Specifically calls out States with RCRA authority as potentially being involved
  
- ❑ DOE must coordinate with EPA for oversight and remedy selection.

### **Involvement of Other Parties**

- ❑ **DNFSB has prepared analyses and tracked implementation of facility disposition activities**
- ❑ **Local authorities, future leaseholders, or other site-specific parties may also have a role to play**

### **Key Issues**

- ❑ **When does “decommissioning” begin?**
- ❑ **How do FFAs call for facility disposition activities to be handled?**
- ❑ **What are appropriate levels to decommission facilities to if they are being reused?**
- ❑ **Who wants to be involved with and oversee facility disposition?**

### Other Drivers

- ❑ Integrated Safety Management (ISM) also is an important element of planning facility disposition activities
- ❑ NETO has developed specific training on applying CERCLA and ISM
- ❑ Next delivery is September in Savannah River, followed by Northwest site in November, 1999



### **Module Summary**

- r Decommissioning will be conducted as a non-time critical removal action**
- r DOE is responsible for evaluating site conditions to determine if conditions or anticipated activities at facilities subject to decommissioning pose a substantial threat of release.**
- r Decommissioning activities should comply with relevant and appropriate standards to the extent practicable, as provided by the NCP, and as necessary to contribute to the efficient performance of any long term remedial action**